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Attorneys for Defendant/Counterclaim
Plaintiff Promotion in Motion, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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THE HERSHEY COMPANY and HERSHEY	:	
CHOCOLATE & CONFECTIONERY	:	
CORPORATION,	:	
Plaintiffs/Counterclaim Defendants,	:	
v.	:	07-CV-1601 (SDW) (MCA)
PROMOTION IN MOTION, INC.,	:	
Defendant/Counterclaim Plaintiff.	:	
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**DECLARATION OF ITAMAR SIMONSON, PH.D., IN OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
ON DEFENDANT'S COUNTERCLAIM AND AFFIRMATIVE
DEFENSE BASED ON GENERICNESS**

ITAMAR SIMONSON, PH.D., pursuant to 28 U.S.C. §1746, declares as follows:

1. I am the Sebastian S. Kresge Professor of Marketing at the Graduate School of Business, Stanford University. I hold a Ph.D. in Marketing from Duke University, Fuqua School of Business, a Master's degree in business administration (MBA) from the UCLA Graduate School of Management, and a Bachelor's degree from The Hebrew University with majors in Economics and Political Science. My fields of expertise are consumer behavior, marketing management, trademark infringement from the consumer's perspective, survey methods, and human judgment and decision making. Most of my research has focused on buyers' purchasing behavior and the effect on buying decisions of product characteristics (such as brand name, price, features), the competitive context, and marketing activities (such as promotions, advertising).

2. I submit this declaration in opposition to the motion by Plaintiffs The Hershey Company and Hershey Chocolate & Confectionery Corporation (collectively, "Hershey") for partial summary judgment on Promotion in Motion's ("PIM") counterclaim and affirmative defense based on genericness. I make this declaration based on my personal knowledge and, if called as a witness, I would testify competently as to the matters contained herein.

3. I was asked by counsel for PIM to, inter alia, evaluate the report submitted on behalf of Hershey by Dr. Gary T. Ford concerning the genericness of the term "kisses." True and correct copies of relevant excerpts from my expert report, and the exhibits thereto, are attached hereto as Exhibit 1 and are incorporated herein by reference.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT. EXECUTED ON MARCH 13, 2010, IN STANFORD, CALIFORNIA.

A handwritten signature in black ink, appearing to read "I. Simonson", written over a horizontal line.

Itamar Simonson, Ph.D.